

for the

United States of America

Case No: 4:07-00481-009 (TLW)

-versus-

USM No: 11069-171Pro se

Defendant's Attorney

## Don Cornelius Burgess

Date of Previous Judgment: July 23, 2010

*(Use Date of Last Amended Judgment if Applicable)*

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is **DENIED** (Doc. # 604). This case does not qualify because the Chapter Four Enhancements override Chapter Two. The Defendant is a career offender.

**IT IS SO ORDERED.**

Order Date: May 2, 2012

s/ Terry L. Wooten

*Judge's signature*

Effective Date:

(if different from above)

Terry L. Wooten, United States District Judge